

Remarks

Claims 1, 4, 5, and 7-14 are currently pending in the subject application.

Claims 1, 4, 5, 8, 9 and 13 have been amended herein, and Claims 2, 3, 6 and 15-19 have been canceled. Applicants submit that the claim cancellations of the present response are without prejudice or disclaimer of subject matter contained therein.

Applicants thank the Examiner for the courtesy of a telephone interview to discuss the rejections set forth in the Office Action. Applicants took the substance of the telephone interview into consideration during preparation of the present response.

Claim Rejections under 35 U.S.C. §112 (second paragraph)

Claims 3-6, 9 and 19 were rejected in the Office Action under this section for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that it is not clear what is meant by “dimension is a function of weight, length and a quantity” in original Claims 3-6, 9 and 19 (see Office Action - page 2).

As noted above, Claims 2, 3, 6 and 19 have been canceled by the present amendments. In any event, applicants submit that the phrase “dimension is a function of weight, length and a quantity” does not appear in any of the claims as currently amended. Applicants therefore request reconsideration and withdrawal of the rejection set forth under this section.

Claim Rejections under 35 U.S.C. §102

Rasmussen

Claims 1-9, 13, 14 and 19 were rejected under this section as being anticipated by Rasmussen (U.S. Pat. No. 6,073,315).

Rasmussen discloses a band that can function to wrap bundles of items together (see Rasmussen - Abstract). Rasmussen describes a band in which, “remote from the first end 14, the body 12 includes a plurality of spaced openings 30 fashioned therein. As illustrated in FIG. 1, each of the openings 30 may include an enlarged first bore 32 and a smaller second bore 34 having a cut 36 there between. By providing the first and second bores 32, 34, the stresses at the margins of the openings 30, as they are expanded and contracted to pass the head 28 of the stud 26 in the manner described below, are reduced. The first and second bores 32, 34 prevent the cut 36 from migrating along the body 12 and damaging the band 10.” (See Rasmussen, col. 2, lines 52-61). Thus, the “spaced openings” of Rasmussen include “cuts” that appear to be structured to receive the head of a “stud” that is used to complete a loop of the band around items that are to be secured. The “bores” of Rasmussen appear to be designed to prevent the “cuts” from migrating and damaging the band. Presumably, stress forces that would damage the band arise from assembly and use of the band for holding items together.

In contrast, currently amended Claim 1 includes a wire carrier in which, “each of said plurality of holes having at least one *calibrated* slit formed adjacent to a circumference thereof; each said *calibrated* slit being calibrated by having at least one dimension selected as a function of at least one physical characteristic of a selected said supported object, each said *calibrated* slit having a length dimension different in comparison to a length dimension of any

other of said *calibrated* slits” (emphasis added). The term “calibrated” provides that each hole and its associated slit are structured to release the enclosure portion, and any supported object therein, based on a physical characteristic of the supported object. For example, and only for purposes of illustration, a length dimension of a first slit may be designed to release the enclosure portion upon exertion of 40 pounds of weight, a length dimension of a second slit may be designed to release the enclosure portion upon exertion of 50 pounds, and so forth. As claimed, each of the calibrated slits has “a length dimension different in comparison to a length dimension of any other of said calibrated slits” to allow for “calibration” of the wire carrier to a plurality of different degrees of a physical characteristic of a supported object (e.g., one such physical characteristic may be the weight of the supported object).

Applicants submit that Rasmussen does not disclose, teach, or suggest the concept of a “calibrated slit” as claimed in the present application. Among its other deficiencies, there is no teaching in Rasmussen of varying the size of the cuts of the band to allow for providing support to differing degrees of a physical characteristic (e.g., different weights) of a supported object. Moreover, Rasmussen focuses on securing objects together without any teaching or suggestion that the band should or will, at some level of stress, release the secured items. The present application allows for the possibility that a supported object may need to be released from its enclosure portion subject to an inordinate amount of force, for example, exerted on the wire carrier.

Claims 2, 3, 6 and 19 have been canceled by the present amendment. Claims 4, 5, and 7-14 depend either directly or indirectly from Claim 1 and are therefore allowable for the same reasons as Claim 1.

Roberts

In addition, Claims 1, 5-14, and 19 were rejected under this section as being anticipated by Roberts (U.S. Pat. No. 4,990,157).

Roberts discloses “a plastic retaining strap in combination with a one piece plastic clip” that appears designed for securing a “soother” for a baby, while permitting some “pivotal and sliding” motion of the clip on the strap (see Roberts - Abstract). In accordance with the discussion above regarding Rasmussen, however, Roberts does not teach, disclose, or suggest a “calibrated slit” as recited in the claims of the present application. Applicants therefore submit that currently amended Claim 1 is allowable in view of Roberts.

Claims 6 and 19 have been canceled by the present amendments.

Claims 5 and 7-14 depend either directly or indirectly from Claim 1 and are therefore allowable for the same reasons as Claim 1.

Trask

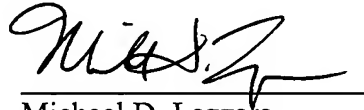
Claims 15-18 were rejected under this section as being anticipated by Trask (U.S. Pat. No. Des. 310,716).

Claims 15-18 have been canceled by the present amendments.

Summary

Applicants respectfully request withdrawal and reconsideration of the rejections set forth in the Office Action. If the Examiner believes that there are any outstanding issues associated with the present application, the Examiner is invited to contact the undersigned representative by telephone to address any such issues.

Respectfully submitted,


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